



SHANKS & HERBERT

Intellectual Property Advocates

TransPotomac Plaza, 1033 N. Fairfax St., Suite 306, Alexandria, VA 22314
Telephone: 703-683-3600 Facsimile: 703-683-9875

July 26, 2002

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Application No.: 09/816,124; Filed: March 26, 2001
For: Method for Detecting and Isolating Genes
Inventor(s): NAGASAWA, et al.
Our Ref: 4001-0001C

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TECH CENTER 1600/2900

Sir:

The following documents are forwarded herewith for appropriate action by the
U.S. Patent and Trademark Office:

1. Transmittal Letter to the USPTO;
2. Response to the Restriction Requirement;
3. 1 return postcard

It is respectfully requested that the attached postcard be stamped with the date of
filing of these documents, and that it be returned to our courier.

Respectfully submitted,

SHANKS & HERBERT

Toni-Junell Herbert
Reg. No. 34,348

West Coast Office
4350 La Jolla Village Drive, Suite 330, San Diego, Ca 92122
Telephone: (858) 597-6688 Facsimile: (858) 597-6682

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Nagasawa et al

Serial No.: 09/816,124

Filed: March 26, 2001

For: Method for Detecting and Isolating Genes



Art Unit: 1636

Examiner: Mckelvey, T.

Atty. Docket: 4001-0001C

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RESPONSE TO RESTRICTION REQUIREMENT

AUG 06 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

In response to the Office Action dated July 1, 2002, requesting an election of claims in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the claims of **Group III (Claims 12-13 and 20)**, without traverse.

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more divisional applications to the non-elected groups. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 50-0622.

Respectfully submitted,

SHANKS & HERBERT

Toni-Jurell Herbert
Reg. No. 34,348

Date: 7/29/02
TransPotomac Plaza
1033 N. Fairfax Street, Suite 306
Alexandria, VA 22314
(703) 386-6134